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Report of the International Law Commission on the work of its fifty-fourth session

Report of the Sixth Committee

Rapporteur: Mr. Karim **Medrek** (Morocco)

I. Introduction

1. The item entitled "Report of the International Law Commission on the work of its fifty-fourth session" was included in the provisional agenda of the fifty-seventh session of the General Assembly pursuant to Assembly resolution 56/82 of 12 December 2001.

2. At its 19th plenary meeting, on 20 September 2002, the General Assembly, on the recommendation of the General Committee, decided to include the item in its agenda and to allocate it to the Sixth Committee.

3. The Sixth Committee considered the item at its 20th to 28th meetings, on 28, 30 and 31 October and on 1 and from 4 to 7 November 2002. The views of the representatives who spoke during the Committee's consideration of the item are reflected in the relevant summary records (A/C.6/57/SR.20-28).

4. For its consideration of the item, the Committee had before it the report of the International Law Commission on the work of its fifty-fourth session.[1]

5. The Chairman of the International Law Commission at its fifty-fourth session introduced the report of the Commission: chapters I to III and chapter V at the 20th meeting, on 28 October; chapter IV at the 22nd meeting, on 31 October; and chapters VI to X at the 23rd meeting, on 1 November (see A/C.6/57/SR.20, 22 and 23).

II. Consideration of draft resolution A/C.6/57/L.27

6. At the 28th meeting, on 7 November, the representative of Peru, on behalf of the Bureau, introduced a draft resolution entitled "Report of the International Law Commission on the work of its fifty-fourth session" (A/C.6/57/L.27).

[1] *Official Records of the General Assembly, Fifty-seventh Session, Supplement No. 10* and corrigendum (A/57/10 and Corr.1).

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7. At the same meeting, the Committee adopted draft resolution A/C.6/57/L.27 without a vote (see para. 9).

8. After the adoption of the draft resolution, the representative of the United States of America made a statement in explanation of position (see A/C.6/57/SR.28).

III. Recommendation of the Sixth Committee

9. The Sixth Committee recommends to the General Assembly the adoption of the following draft resolution:

Report of the International Law Commission on the work of its fifty-fourth session

The General Assembly,

Having considered the report of the International Law Commission on the work of its fifty-fourth session,[2]

Emphasizing the importance of furthering the codification and progressive development of international law as a means of implementing the purposes and principles set forth in the Charter of the United Nations and in the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations,[3]

Recognizing the desirability of referring legal and drafting questions to the Sixth Committee, including topics that might be submitted to the International Law Commission for closer examination, and of enabling the Sixth Committee and the Commission to further enhance their contribution to the progressive development of international law and its codification,

Wishing to enhance further the interaction between the Sixth Committee as a body of governmental representatives and the International Law Commission as a body of independent legal experts, with a view to improving the dialogue between the two organs,

Recalling the need to keep under review those topics of international law which, given their new or renewed interest for the international community, may be suitable for the progressive development and codification of international law and therefore may be included in the future programme of work of the International Law Commission,

Welcoming the holding of the International Law Seminar, and noting with appreciation the voluntary contributions made to the United Nations Trust Fund for the International Law Seminar,

Stressing the usefulness of structuring the debate on the report of the International Law Commission in the Sixth Committee in such a manner that conditions are provided for concentrated attention to each of the main topics dealt with in the report,

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[2] *Official Records of the General Assembly, Fifty-seventh Session, Supplement No. 10* and corrigendum (A/57/10 and Corr.1).

[3] Resolution 2625 (XXV), annex.

1. *Takes note with appreciation* of the report of the International Law Commission on the work of its fifty-fourth session;[2]

2. *Takes note* of the decision of the International Law Commission to proceed with its work on the topic "International liability for injurious consequences arising out of acts not prohibited by international law", as requested by the General Assembly in its resolution 56/82 of 12 December 2001, and also takes note of its decision to include in its programme of work the following topics: "Responsibility of international organizations", "Shared natural resources" and "Fragmentation of international law: difficulties arising from the diversification and expansion of international law";[4]

3. *Draws the attention* of Governments to the importance for the International Law Commission of having their views on the various aspects involved in the topics on the agenda of the Commission, in particular on all the specific issues identified in chapter III of its report;

4. *Reiterates its invitation* to Governments, within the context of paragraph 3, to provide information to the International Law Commission regarding State practice on the topic "Unilateral acts of States";

5. *Also reiterates its invitation* to Governments to submit the most relevant national legislation, decisions of domestic courts and State practice relevant to diplomatic protection in order to assist the International Law Commission in its work on the topic "Diplomatic protection";

6. *Recommends* that the International Law Commission, taking into account the comments and observations of Governments, whether in writing or expressed orally in debates in the General Assembly, continue its work on the topics in its current programme;

7. *Invites* the International Law Commission to continue taking measures to enhance its efficiency and productivity;

8. *Takes note* of paragraph 524 of the report of the International Law Commission with regard to cost-saving measures, and encourages the Commission to continue taking such measures at its future sessions;

9. *Takes note also* of paragraph 532 of the report, and decides that the next session of the International Law Commission shall be held at the United Nations Office at Geneva from 5 May to 6 June and from 7 July to 8 August 2003;

10. *Stresses* the desirability of further enhancing the dialogue between the International Law Commission and the Sixth Committee, and in this context encourages, inter alia, the holding of informal discussions between the members of the Sixth Committee and those members of the Commission attending the fifty-eighth session of the General Assembly;

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[4] *Official Records of the General Assembly, Fifty-seventh Session, Supplement No. 10* and corrigendum (A/57/10 and Corr.1), paras. 517 and 518.

11. *Requests* the International Law Commission to continue to pay special attention to indicating in its annual report, for each topic, any specific issues on which expressions of views by Governments, either in the Sixth Committee or in written form, would be of particular interest in providing effective guidance for the Commission in its further work;

12. *Also requests* the International Law Commission to continue the implementation of article 16, paragraph (*e*), and article 26, paragraphs 1 and 2, of its statute in order to further strengthen cooperation between the Commission and other bodies concerned with international law, having in mind the usefulness of such cooperation;

13. *Notes* that consulting with national organizations and individual experts concerned with international law may assist Governments in considering whether to make comments and observations on drafts submitted by the International Law Commission and in formulating their comments and observations;

14. *Reaffirms* its previous decisions concerning the critical role of the Codification Division of the Office of Legal Affairs of the Secretariat in providing assistance to the International Law Commission;

15. *Reaffirms also* its previous decisions concerning the summary records and other documentation of the International Law Commission;[5]

16. *Expresses the hope* that the International Law Seminar will continue to be held in connection with the sessions of the International Law Commission and that an increasing number of participants, in particular from developing countries, will be given the opportunity to attend the Seminar, and appeals to States to continue to make urgently needed voluntary contributions to the United Nations Trust Fund for the International Law Seminar;

17. *Requests* the Secretary-General to provide the International Law Seminar with adequate services, including interpretation, as required, and encourages him to continue considering ways to improve the structure and content of the Seminar;

18. *Also requests* the Secretary-General to forward to the International Law Commission, for its attention, the records of the debate on the report of the Commission at the fifty-seventh session of the General Assembly, together with such written statements as delegations may circulate in conjunction with their oral statements, and to prepare and distribute a topical summary of the debate, following established practice;

19. *Requests* the Secretariat to circulate to States, as soon as possible after the conclusion of the session of the International Law Commission, chapter II of its report containing a summary of the work of that session and the draft articles adopted on either first or second reading by the Commission;

20. *Recommends* that the debate on the report of the International Law Commission at the fifty-eighth session of the General Assembly commence on 27 October 2003.

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[5] General Assembly resolutions 32/151, para. 10, 37/111, para. 5, and all subsequent General Assembly resolutions on the annual reports of the International Law Commission to the Assembly.